The Salisbury Planning Board held its regular meeting on Tuesday, March 11, 2003, in the City Council Chambers of the Salisbury City Hall at 4:00 p.m. with the following being present and absent:

PRESENT: Rodney Queen, Fred Dula, Sean Reid, Jerry Wilkes, Elaine Stiller, Len Clark,

Jeff Smith, Eldridge Williams, Sandy Reitz, Ken Mowery, Brian Miller

ABSENT: Lou Manning

STAFF: Harold Poole, Patrick Kennerly, Dan Mikkelson, Joe Morris, David Phillips,

Hubert Furr, Tammy File

The meeting was called to order by Chairman Dula. The minutes of February 25, 2003, were approved as published.

GROUP HOMES: ZONING TEXT AMENDMENTS

Joe Morris made about a 10-minute presentation on Group Homes with the committee's recommendations, before the Courtesy Hearing was conducted.

For the last three months, the Planning Board and its Special Committee on Group Homes (chaired by Dr. Elaine Stiller, with Sandy Reitz, Sean Reid and Lou Manning). The Board set up a Courtesy Hearing for March 11, knowing that the Council's Public Hearing was being scheduled for March 18. Council's 90-day moratorium (which actually was a 90-day extension on group homes), set up in December 2002 expires on March 17. So the Planning Board realized that it would need to conduct this Courtesy Hearing and make a recommendation at the same meeting.

There have been several "group homes" meetings, with Urban Resources Planner Joe Morris providing the staff's information to the committee. Joe had a set of 10 recommendations pertaining to group homes. It is understood that the Planning Board could accept these recommendations or, as a result of the Courtesy Hearing, make some adjustments before sending it on to City Council.

Those speaking in favor of the Group Homes recommendations:

Mary Adams, 317 West C Avenue – Had a home that she just moved from at 1016 West Fisher Street that she kept Veterans in. She is still under the grandfather clause, we have a letter from the VA Hospital, her husband was very ill in August so they moved the Veterans until he got better. Wants to open a halfway house rather than treatment centers. Charlotte has them, why doesn't Rowan County have them? A group home closed in December. "What are we going to do (about this problem)"?

Kimberly Naves, Group Home Advocate- Question about separating Levels I, II, and III, as was suggested by the committee. [NOTE: Committee recommended Levels I and II of "residential treatment facilities" be allowed, with a special use permit, in residential districts, but that Level III be allowed, with a special use permit, in office, commercial, and industrial districts- but not in residential districts. All levels would be subject to the proposed ½ mile spacing requirement.] Question about adjudication. Level III has 24/7 supervision, so may be

seen as less of a threat. Clients in residential treatment facilities (regardless of the level) are supposed to be integrated into the community- not excluded from it.

BOARD DISCUSSION

Sean Reid- now believes that Level IIIs should be allowed in residential districts. Sufficient safeguards in place- like special use permit, ½ mile spacing, demonstrated need.

Sandy Reitz-disagrees with Sean, saying that Level III involves a higher degree of therapeutic intervention. It has a serious impact on our services- schools, police, etc.

Elaine Stiller-she agrees with Sandy. Frequent and inappropriate behavior are what can be expected from Level III clients.

Len Clark- asked what kind of breakdown we have of police calls by the different levels. We don't have that; just between the overall residential treatment facilities and supervised living facilities (which have very few).

Brian Miller- we have adequate safeguards in place. We seem to be already fulfilling our obligation. [NOTE: Our county's shift/share ratio is 2.32, with 1.00 being an average amount; so we have more than twice what would be the average.] If the shift/share analysis were different, feelings may change.

Ken Mowery- if it's called a "residential" treatment facility, why not put it in a residential area.

Jeff Smith- we've limited size and number of clients.

Rodney Queen – the committee spent a great deal of time on this issue. Impact on some schools and neighborhoods would be an issue (if Level IIIs are allowed, even with a special use permit, in residential areas).

PLANNING BOARD RECOMMENDATION

Sean Reid made the motion to allow Level IIIs in residential areas, just as we are proposing Level Is and Level IIs. The motion was seconded by Ken Mowery .

Planning Board voted to deny that with a 7-4 vote. The seven (7) votes to deny adding Levels IIIs with Level Is and Level IIs were Len Clark, Rodney Queen, Sandy Reitz, Jeff Smith, Elaine Stiller, Jerry Wilkes and Eldridge Williams. The four (4) votes to approve adding Level IIIs with Level Is and IIs were Fred Dula, Brian Miller, Ken Mowery and Sean Reid.

Planning Board then voted to approve the group home provisions as recommended by the Group Homes Committee, 9-2, with Ken Mowery and Eldridge Williams voting "NAY". The recommendation includes the definitions and other provisions.

The chairman closed the courtesy hearing on this case.

GROUP DEVELOPMENT

G-1-03 Bunker Land Group (Walgreen's)- 1906 West Innes Street

Development Services Manager Hubert Furr explained that this property at 1906 West Innes Street, at the intersection of Mahaley Avenue, West Innes Street, and Lilly Avenue. The proposal is for a 13, 580 sq. ft. drugstore (Walgreen's). Hubert Furr indicated that all zoning criteria have been met and it is recommended for approval from the Technical Review Committee.

Dennis Bunker was present to answer questions.

Elaine Stiller asked what was the status of the trailer park right next door to the proposed Walgreen's? Dennis Bunker said that he would like to get rid of the trailer park as soon as possible, but couldn't put a date on when.

Jerry Wilkes made the motion to approve the group development, Rodney Queen seconded the motion will all members voting AYE.

G-3-03 College Point- 730 West Council Street

David Phillips explained that an application has been submitted by James Herman, for Anderson & Associates of Greensboro, for the construction of two (2) apartment buildings consisting of 16 total units. The zoning is M-2 Heavy Industrial (which allows apartments).

All zoning criteria have been met, and that it has a favorable recommendation from the Technical Review Committee.

Those speaking in favor of this group development site plan:

James Patterson, one of the developers, said he is here to answer any questions that may arise.

Those opposed of this group development site plan:

Rita Foil, 475 Roger Drive – said she is speaking for her 87 year old mother who has lived on the adjoining property for over 50 years. There are only 7 houses on the block so the there is little traffic and noise because of the dead end of this street. Asks for buffer and a permanent fence, if this project is built. [NOTE: Mrs.Foil then submitted a petition signed by about 30 people in opposition to the project.]

Sharon Barber, 531 Agner Drive – said her parents live in the 700 block. This is not technically an historic district, it is a part of the historic neighborhood. Most of these houses don't have driveways, they have to park on the street, street is very narrow.

Martin Hennigan, a land surveyor from Rockwell- has friends and friendship ties on West Council Street. Understand the need for progress, not here to stop progress, what he has heard is the desire for harmony in a community. If this has to go through could we look at an over 55 aged community instead of college students?

Stamey F. Carter Jr., live in 500 block of W. Council- lived there almost all his life. A lot of traffic comes off of Main Street dodging the stop lights, the traffic will only get worse if there is apartments at the end of this street.

Dr. Cabagnot- 622 West Council Street- West Council is a very narrow street, apartments with so many cars would make it unsafe.

Jenny Davidson- 506 West Council Street- traffic accidents due to increase in traffic and the narrow streets, which allows parking on both sides.

The chairman closed the courtesy hearing on this case.

Chairman Dula then asked for all those in favor to stand, 5 people stood. He then asked for those in opposition to stand and 12 people stood.

Board Discussion:

Rodney Queen- He is in favor of protecting neighborhoods but also in favor of the rights to use your land. Some M-2 uses could be much worse than apartments, land correctly zoned for apartments.

Sean Reid- Agrees with Mr. Queen, M-2 allows for almost anything. Would like to see more visual separation for the neighborhood. Not really feasible to widen West Council Street.

Sandy Reitz- M-2 has a lot worse things. I realize that there will be a huge amount of additional traffic on that street. Hope developer would work with these neighbors to have buffer the maximum.

Brian Miller- this is a good location for an adult community and poor place for college students. [NOTE: Developer said they wanted this entirely for college students.]

Elaine Stiller- Maybe it's a wrong assumption to think of this just as an apartment complex for college students.

Jeff Smith - says he understands that this is M-2 zoned property, but maybe it's best to send this case to a committee. Sometimes good things come out of committee work.

Rodney Queen made the motion to take this to committee, Jeff Smith seconded the motion with all members voting AYE.

G-2-03 Boundary Pointe- 1620 South Boundary Street

Development Services Manager Hubert Furr explained that this property is located along the north side of South Boundary Street, near the intersection with Klumac Road.

James Williams, of Williams Development, submitted the application for the construction of two buildings containing 8 business units on the first floors and 8 residential units on the second floor.

All zoning criteria have been met and it is recommended for approval from the Technical Review Committee.

James Williams was present and explained about the single driveway serving the two (2) adjoining lots. He said there will be 61 additional parking spaces served by the driveway near the intersection.

Ernest Jackson, representing Johnson Concrete Company (the adjoining property on the north side). He said he opposes the residential part of the project. Sometimes industrial and residential don't mix well. Said he has had vandalism at his business, and they have been residents of a nearby neighborhood. Johnson Concrete may become a 24/7 operation, which could impact apartments – especially with noise.

Rodney Queen- Developer is looking for improvements. Burden is on the developer.

Jeff Smith- Johnson Concrete shouldn't take grief over it industrial operations when residents complain about being adjacent to the company. There is potential for noise problems.

Rodney Queen made the motion to approve the group development site plan, Jeff Smith seconded the motion with all members voting AYE except for Eldridge Williams who voted NAY.

COMMITTEE REPORTS

Jeff Smith made the motion to hold committee reports to the next meeting, Rodney Queen seconded the motion with all members voting AYE.

Referral from City Council—Special Auxiliary Marquee Signs for Theatres

This referral from City Council came from Council's March 4 meeting. Both Glenn Ketner, Jr. and Leo Wallace were present. Glenn made the proposal, explaining that this pertains to the old Salisbury Cinemas sign in front of Salisbury Cinemas at Salisbury Mall. He asked that Planning Board review and take action today (rather than sending it to a committee). He said that the theatre sits so far off the highway that people don't know it's there. Leo Wallace says he pays \$6,000 per year on the property – and that it's useless without a tenant.

Glenn Ketner, Jr. has prepared a zoning text amendment which (he believes) will allow the sign to continue to be used. His text amendments are as follows:

(1) An addition to the definition of "marquee sign" which reads: "A marquee sign may be accompanied by an auxiliary marquee sign which is not readily visible from the public right-of-way because of the distance there from. An auxiliary marquee sign shall direct attention to the marquee sign, and the content thereof shall be consistent with the content of the marquee sign."

- (2) An allowance for marquee and auxiliary marquee signs in the B-7 Limited Business zoning district.
- (3) Four (4) provisions for marquee signs.
- (4) Five (5) provisions for auxiliary marquee signs, including these: "The size per side be limited to no more than 70 square feet for each 100 feet of linear distance from the marquee sign, but no to exceed 210 square feet.

"The top be no more than 25 feet above sidewalk or ground level."

It should be noted that ground signs in the B-7 district can be no larger than 35 square feet in size and 10 feet in height.

As this is being written, it is unsure whether the Zoning Administrator is going to consider this property an individual parcel in B-7 or a part of the old Mid-Carolina Mall group development. Group developments have their own sign restrictions, which supersede their zoning district. However, size and height limitations for out parcels in commercial group developments is the same as B-7 requirements- 35 square foot maximum size and 10 foot high ground signs.

Board Discussion:

Rodney Queen- Doesn't have a problem with this.

Fred Dula- Agrees.

Ken Mowery- Agrees, if for theatres.

Rodney Queen made a motion to approve as written, Sandy Reitz seconded the motion with all members voting AYE.

Staff will wait for City Council to give a directive on setting up a Public Hearing.

Nominating Committee

The nominating committee consisted of Sandy Reitz, Ken Mowery, Brian Miller, and Eldridge Williams.

Sandy Reitz made the motion that Dr. Fred Dula remain as Chairman and Sean Reid to remain as Vice Chairman. Eldridge Williams seconded the motion. Brian Miller nominated Jeff Smith as Vice Chairman. The committee then took a vote for the Vice Chairman position, there were 4 votes for Jeff Smith and 6 for Sean Reid.

Temporary signs for Special events or promotions

Jeff Smith led the Board in deciding not to make a formal recommendation on the proposal, but rather to recommend to the Council that a 12-member committee be set up to further study the matter.

Senior Planner Harold Poole outlined for the Board the appropriate courses of action they could take in responding to the referral from City Council:

- (1) Recommend that the proposal be approved.
- (2) Recommend that the proposal be denied.
- (3) Send the proposal back to committee for a reevaluation, based on the input received at the February 25 Courtesy Hearing.

None of these have to be in direct conflict with the previous Board recommendations, which was to ask Council to set up a 12-member Task Force.

Board Discussion:

Rodney Queen- Committee's recommended proposal should be approved. Jake Alexander Blvd. is different from downtown streets.

Jerry Wilkes- The Committee was attempting to "give" to businesses something they don't presently have. He is in support of the Committee's recommendation on the temporary signs.

Jeff Smith- Said there was a unanimous vote for the Task Force, to vote up or down negates the Task Force.

Brian Miller- Business community was given an opportunity to comment. Brian made the motion that the proposal be sent back to the Legislative Committee, the motion died for lack of a second.

Sean Reid- Very arrogant of us to as (Planning Board) to ask Council to set up a separate Task Force.

Jeff Smith made a motion that there be no vote on the proposal. Sandy Reitz seconded the motion with a 5-4 vote.

There being no further business to come before the Board, the meeting was adjourned.

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